





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Souissi, et al.

Title:

METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS

NETWORKS

Appl. No.:

09/938,357

Filing Date:

08/23/2001

Examiner:

Smith

Art Unit:

2681

CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.

PETITION TO WITHDRAWAL HOLDING OF ABANDONMENT OR IN THE ALTERNATIVE FOR REVIVAL OF APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Notice of Allowance mailed on January 14, 2005, which set a three-month period for response.

APPLICANT HEREBY PETITIONS TO WITHDRAWAL THE HOLDING OF ABANDONMENT OR IN THE ALTERNATIVE FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- Required reply and/or fee; (1)
- Petition fee (37 C.F.R. § 1.17(m)); (2)
- Statement that the abandonment was unintentional; and (3)
- Any required terminal disclaimer (37 C.F.R. § 1.137(c)). (4)

02/14/2006 TBESHAH1 00000014 061450 09938357

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(1) Required reply and/or fee.

The proposed reply and required fee for the above-noted Notice of Allowance in the form of the required issue fee is enclosed herewith.

(2) Petition fee (37 C.F.R.§ 1.17(m))

The Commissioner is hereby authorized to charge any fees which may be required regarding this Petition to Revive under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450.

(3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional. A thorough search of the file jacket and docket records of this application indicate a Notice of Allowance was never received from the United States Patent and Trademark Office. The Notice of Allowance was mailed by the United States Patent and Trademark Office on January 14th 2005, but was addressed improperly and subsequently returned undelivered.

This application was filed on August 23, 2001. On November 3rd, 2003 the practitioner then handling the application, Donald L. Bartels, mailed a change of correspondence address to the United States Patent and Trademark Office and included a return receipt postcard (see Exhibit A of Appendix I). The return receipt postcard was returned to Mr. Bartels' new address by the United States Patent and Trademark Office on November 12th, 2003 (See Exhibit B of Appendix I). Despite this action, the Notice of Allowance was sent by the United States Patent and Trademark Office to the incorrect previous address of Mr. Bartels and subsequently returned to the sender (see Exhibit C of Appendix I). Eventually, responsibility for this application was transferred to new counsel. Upon receiving the transfer file, new counsel reviewed the file history of the application and compared it to the image file wrapper in PAIR on the U.S. Patent and Trademark Office website. The USPTO's mailing error was not discovered until new counsel made the comparison and discovered that a Notice of Allowance had been issued but sent to the wrong address by the USPTO. By this time, the period for response to the Notice of Allowance had already passed.

(4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

No terminal disclaimer is required in this application under 37 C.F.R. § 1.137(c) since this application was not filed before June 8, 1995.

By

Respectfully submitted,

Date FERMAN 9 7006

FOLEY & LARDNER LLP Customer Number: 27433

Telephone: (312) 832-4553 Facsimile: (312) 832-4700 G. Peter Albert, Jr.

Attorney for Applicant Registration No. 37,268

Souissi, et al. DLB/lmc 5118-45 Filing Date: August 23, 2001 Application Serial No. 09/938,357

METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS NETWORKS

- Change of Correspondence Address (1 page)
- Return Receipt Postcard

These items were mailed to the U.S. Patent and Trademark Office on November 3, 2003 Please acknowledge receipt. Thank you. Coudert Brothers LLP

ITED STATES PATENT AND TR. EMARK OFFICE

Applicants:

Souissi, et al.

Serial No.:

09/925,566

Filed:

August 23, 2001

For:

METHOD AND APPARATUS FOR DISTRIBUTED DATA

TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS

NETWORKS

Group Art Unit: 2682

Examiner:

Banks, Harold

Attorney Docket: 05118-45

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 20231-1450.

11/3/Q3 By: 6

CHANGE OF CORRESPONDENCE ADDRESS UNDER 37 C.F.R. §1.33(d)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Please address all future correspondence regarding the above-identified patent application

to:

Donald L. Bartels Coudert Brothers LLP Two Palo Alto Square 3000 El Camino Real Fourth Floor Palo Alto, CA 94306-2121

Respectfully submitted,

Donald L. Bartels

Registration No. 28,282

November 3, 2003 COUDERT BROTHERS LLP Two Palo Alto Square 3000 El Camino Real Fourth Floor Palo Alto, CA 94306-2121

Tel: (650) 739-2800 Fax: (650) 739-2801

PALOALTO 4064318v1

Souissi, et al. DLB/lmc 5118-45 Filing Date: August 23, 2001 Application Serial No. 09/938,357 5118-45

METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS **NETWORKS**

NOV 1 2 2003

- Change of Correspondence Address (1 page)

- Return Receipt Postcard

These items were mailed to the U.S. Patent and Trademark Please acknowledge receipt. Thank you. **Coudert Brothers LLP**

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ALEXANDRIA, VA 22313-1450

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U. S. DEPARTMENT OF COMMERCE COMMISSIONER FOR PATENTS

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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450

| APPLICATION NO. | FILING DATE | | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|------------|------------------------|------------------------|------------------|
| 09/938,357 08/23/2001 | | 23/2001 | Slim Salah Souissi | 05118-45 (6507/60484) | 1601 |
| 7. | 590 | 01/14/2005 | | EXAM | INER , |
| COUDERT BROTHERS 600 Beach Street, 3rd Floor | | | Dr. | SMITH, CRI | EIGHTON H |
| San Francisco, CA 94109 | | | MECENT | ART UNIT | PAPER NUMBER |
| · | | | RECEIVED | 2645 | |
| | | | Technology Center 2600 | DATE MAILED: 01/14/200 | S |
| | | | 31 2000 | | |

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 791 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 791 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

01/14/2005

COUDERT BROTHERS 600 Beach Street, 3rd Floor San Francisco, CA 94109

| EXAMINER | |
|-----------------------|--|
| CMITH CREIGHTON H | |

PAPER NUMBER

ART UNIT

DATE MAILED: 01/14/2005

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-----------------------|------------------|
| 09/938.357 | 08/23/2001 | Slim Salah Souissi | 05118-45 (6507/60484) | 1601 |

TITLE OF INVENTION: METHOD AND APPARATUS FOR DISTRIBUTED DATA TRANSFER OVER MULTIPLE INDEPENDENT WIRELESS NETWORKS

| APPLN, TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1400 | \$300 | \$1700 | 04/14/2005 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B-Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450

P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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| | E ADDRESS (Note: Use Block 1 for | any change of address) | | Fee(s) Transmittal, The papers, Each addition | mailing can only be used f his certificate cannot be used al paper, such as an assignm | for any other accompanying |
| . 75 | | | | have its own certificat | e of mailing or transmission. | |
| COUDERT BRO | THERS | | | | rtificate of Mailing or Tran | |
| 600 Beach Street, 3 | | | | I hereby certify that the | his Fee(s) Transmittal is bein with sufficient postage for fire | g deposited with the United |
| San Francisco, CA | 94109 | | | addressed to the Mai transmitted to the USF | I Stop ISSUE FEE address TO (703) 746-4000, on the | above, or being facsimil date indicated below. |
| | | | | | | (Depositor's name) |
| | | | | | · | (Signature) |
| | | | | | | (Date) |
| APPLICATION NO. | FILING DATE | | FIRST NAMED INVE | TOR . | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/938,357 | 08/23/2001 | | Slim Salah Souis | si | 05118-45 (6507/60484) | 1601 |
| TITLE OF INVENTION: M | ETHOD AND APPARATU | IS FOR DISTRIB | UTED DATA TRAN | SFER OVER MULTIP | LE INDEPENDENT WIREL | ESS NETWORKS |
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| SMITH, CRE | | 2645 | | 455-454000 | J | |
| 1. Change of correspondence | | | | the patent front page, li | et . | |
| CFR 1.363). | | | (1) the names of | up to 3 registered pater | 1 | |
| Address form PTO/SB/12 | ence address (or Change of 2) attached. | Correspondence | ce or agents OR, alternatively, (2) the name of a single firm (having as a member a 2 | | | |
| "Fee Address" indicati | on (or "Fee Address" Indica | ation form | registered attorney or agent) and the names of up to | | | |
| PTO/SB/47; Rev 03-02 o Number is required. | r more recent) attached. Us | e of a Customer | 2 registered paten listed, no name w | t attorneys or agents. If ill be printed. | no name is 3 | |
| 3. ASSIGNEE NAME AND | RESIDENCE DATA TO B | E PRINTED ON | THE PATENT (print | or type) | | |
| PLEASE NOTE: Unless recordation as set forth in | an assignee is identified be 37 CFR 3.11. Completion | elow, no assignee of this form is NO | data will appear on T a substitute for filin | the patent. If an assigr g an assignment. | nee is identified below, the d | locument has been filed for |
| (A) NAME OF ASSIGNE | EE | (E | B) RESIDENCE: (CIT | Y and STATE OR CO | UNTRY) | |
| | | • | | | | |
| Please check the appropriate | assignee category or catego | ries (will not be pr | inted on the patent): | ☐ Individual ☐ C | orporation or other private gr | oup entity Government |
| 4a. The following fee(s) are o | nclosed: | 41 | o. Payment of Fee(s): | | | |
| Issue Fee | | | A check in the a | mount of the fee(s) is en | closed. | |
| Publication Fee (No sr | nall entity discount permitte | ed) | Payment by cred | it card. Form PTO-2038 | 3 is attached. | |
| Advance Order - # of | Copies | | The Director is Deposit Account Nu | hereby authorized by comber | harge the required fee(s), or (enclose an extra c | credit any overpayment, to opy of this form). |
| 5. Change in Entity Status (| | , | | | | |
| | AALL ENTITY status. See | | | | LL ENTITY status. See 37 C | |
| The Director of the USPTO i NOTE: The Issue Fee and Pu interest as shown by the recon | s requested to apply the Issublication Fee (if required) was of the United States Pate | ue Fee and Publica will not be accepted ent and Trademark | tion Fee (if any) or to d from anyone other t Office. | re-apply any previousl han the applicant; a reg | y paid issue fee to the application is tered attorney or agent; or the | ation identified above. the assignee or other party in |
| Authorized Signature | | | | Date | · · · | |
| Typed or printed name | · | | | Registration | No | |
| Alexandria, Virginia 22313-1 | 118 22313-1430. DO NOT : 450. | send fees or (| COMPLETED FORM | IS TO THIS ADDRESS | the public which is to file (an minutes to complete, includir mments on the amount of ti Trademark Office, U.S. Dep S. SEND TO: Commissioner displays a valid OMB control | for Patenis, P.O. Box 1430, |

| Notice of Allowability Examiner Creighton h Smith The MAILING DATE of this communication appears on the cover sheet with the cover sheet shee | cation. II not includivill be mailed in due withdrawal from issu | ed course. THIS ue at the initiative | | | | |
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| Creighton h Smith | respondence addrication. If not include will be mailed in due withdrawal from issu | ed course. THIS ue at the initiative | | | | |
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| All daims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this applicative for previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. This communication is responsive to application filed 23 August 2001. 2. The allowed claim(s) is/are 1-21. 3. The drawings filed on 23 August 2001 are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this restricted to the certified copies of the priority documents have been received in this result in the second of the certified copies of the priority documents have been received in this result in the second of the certified copies of the priority documents have been received in this result in the second of the certified copies of the priority documents have been received in this result in the ABANDONMENT of this application to file a reply of the certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply of noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER' INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-1) hereto or 2) to Paper No./Mail Date | cation. II not includivill be mailed in due withdrawal from issu | ed course. THIS ue at the initiative | | | | |
| 2. The allowed claim(s) is/are 1-21. 3. The drawings filed on 23 August 2001 are accepted by the Examiner. 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some* c) None of the: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this report international Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply of noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE: OATH OR DECLARATION must be submitted. Note the attached EXAMINER' INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-1) hereto or 2) to Paper No./Mail Date (a) including changes required by the attached Examiner's Amendment / Comment or in the C Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the C Paper No./Mail Date (b) Including changes required by the attached Examiner's Amendment / Comment or in the C Paper No./Mail Date (c) DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL restached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGIC | ational stage applica | ation from the | | | | |
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| International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply on noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER' INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declarated. (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Amendment / Comment or in the Compare No./Mail Date Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawing each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(c). 7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL restricted in the properties of the properties of the properties of BIOLOGICAL MATERIAL restricted. | | | | | | |
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| 1. ☑ Notice of Profitnerson's Patent Drawing Review (PTO-948) 6. ☐ Interview Summary | atent Application (P | | | | | |
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Application/Control Number: 09/938,357

Art Unit: 2645

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art fails to disclose an RF modem that will receive a plurality of message fragments originating from a proxy server/message split controller. The proxy server will split the message into its plurality of fragments according to predetermined criteria, with each message transmitted to the RF modem as a separate signal by separate independent transmitting sources. No obvious combination of references found would have taught one having ordinary skill in the art to make and use applicant's apparatus as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Creighton h Smith whose telephone number is 308-

2488. The examiner can normally be reached on M-F.

06 Jan. '05

Creighton h Smith Primary Examiner Art Unit 2645

SERIAL NO. ATTY. DOCKET NO. FORM PTO=1449 (Modified) 05118-45 (6507/60484) 09/938,357 IST OF PATENTS AND PUBLICATIONS FOR STATEMENT APPLICANT SLIM SALAH SOUISSI, et al. **STATEMENT GROUP ART UNIT: FILING DATE:** (Use several sheets if necessary) 2681 August 23, 2001 U.S. PATENT DOCUMENTS REFERENCE DESIGNATION Subclass **Filing Date** NAME Class **DOCUMENT** DATE If Appropriate NUMBER DUTTUAL 10/24/2000 Boyle, et al. A1 6,138,158 02/06/2001 Liao. 6,185,208 **A2** A3

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| If not in conformance and not considered. Include copy of this f | orm with next communicatio | n to Applicant(s). |

(Information Disclosure Statement — Section 9 PTO-1449 (Modified) [6-1]) Suppl. IDS.1

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